

In the United States District Court
For the District of Delaware

Charles F. Cardone,
Plaintiff,

V.
Police Chief Keith Banks,
Police Officer PFC R. Tyler
Whitman, and Police Officer
Sgt. Benny Mitchell,
Defendants.

Civ. No. 06-152-KAJ

Jury Trial Requested



Plaintiff Charles F. Cardone's Motion Before the Court To Request Defendant's ANSWER WITH AFFIRMATIVE DEFENSES in this action, dated September 18, 2006, Be Postponed or Denied Until Discovery Has Taken Place So that Additional Facts May Be Gathered To Permit A More Competent Response... Plaintiff states the following in support of his request:

1. Defendant PFC R. Tyler Whitman, by and through his counsel, Marshall, Dennehey, Warner, Coleman + Goggin, "seeks dismissal with prejudice with costs assessed against Plaintiff."
2. Defendant, seeking dismissal stated in #1, states six affirmative defenses, and, "asserts all other defenses available under the Civil Rights Act of 1871."
3. Plaintiff, who is representing himself on a pro se basis, is not allowed physical access to the prison law library and must request ~~the~~ any and all legal research and

Page 2 of plaintiff's Motion Before the Court
To Request Defendant's ANSWER with
AFFIRMATIVE DEFENSES in this action, 2
dated September 18, 2006, Be Postponed ...
Civ. No. 06-152-KAJ

filings by "in house" General Requests forms...

Whereby, plaintiff requests this Honorable Court to
grant Plaintiff's ~~requests~~ requests for Postponement.

Respectfully submitted this 20th day of December,
2006,

By: Charles F. Carbone
SBI #098159-DCL
Bldg. (18) BL12
1181 Paddock Road
Smyrna, DE 19977

Certificate of Service

I, Charles Z. Cardone, hereby certify under penalty ³ of perjury that a true and correct + copy of this motion for Postponement has been provided to the below-listed parties, by placing said motion in a postpaid envelope and mailing said envelope via United States mail this 20th day of Dec, 2006 to:

Daniel A. Griffith, Esq.
1220 N. Market Street, 5th Floor
P O Box 8888
Wilmington, DE 19899-8888
Attorney for Defendant
PFC R. Tyler Whitman

06-152-KAT

by
Charles Z. Cardone, pro se
SBI # 098159-DCC-
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Smyrna, DE, 19977

Dated: Dec. 20th, 2006

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